



Anonymisation and Publication of Judgments Sub-group: minutes

Date	05 December 2023: 16:30 – 17:30 (via MS Teams)
Author:	PFD Office
Attendees:	HHJ Madeleine Reardon, The National Archives, Femi Ogunlende, Andrew Wood, Julie Doughty, Jack Cordery, Ernesto LaMassa, Timea Iliffe
Apologies:	HHJ Adem Muzzafer, Natalie Byrom, Clare Walsh, Charles Hale KC

1. Minutes of the meeting on 11 October 2023

- 1.1 The minutes were approved.

2. The National Archives: Discussion of update

- 2.1 The National Archives (TNA) had provided an update on Family Court Judgements, which was circulated to attendees prior to the meeting. HHJ Madeleine Reardon expressed her thanks to TNA for the paper.
- 2.2 A few attendees asked for more time to think about the questions and noted they might provide more substantive responses by email.

Action: HHJ Madeleine Reardon to organise providing a more substantive response to TNA's questions from sub-group via email

- 2.3 The points which were raised/discussed were:
 - Missing judgements, particularly after April 2022. Missing judgements from April 2022 (when TNA took over) were not expected. There is a standard process for informing clerks/judges/tribunal staff of the new process and guidance for how to upload judgements to TNA. There is an ongoing problem with the neutral citation allocation system which may be contributing. There was a suggestion that this may be caused by human error, although it was unclear where this was. The response to problems previously has been to re-send the guidance.
 - Changes to citations for DJ and CJ level judgements. The Head of Judicial Library Services has informed that there will be a change to the citations for DJ and CJ level judgements which will entail a (B) after the citation. This should aid in filtering and searching case law for



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judgements at different levels. TNA are able to train their software to pick up on this changed citation and filter judgements by level of judge.

Action: Group to provide a preference on what the category that displays these judgements should be called.

- Improving the search function. There are difficulties in finding cases, particularly for lay people and those searching by subject matter. It is difficult for TNA to determine what cases are about for the purpose of improving the search functions, as this classification would have to come from a legal expert. They might consider pulling out where judgements are linked to other judgements in a better way.
- Further queries on whether TNA could search by subjects or areas, such as a key word search. A key word search does exist for TNA, but it might improve over time. Standardisation of judgements will help with this.
- Distinguishing between public and private law. It was explained that this is not a useful distinction for lay people.
- Providing feedback. TNA noted that they found specific feedback helpful and welcomed further feedback.

Action: TNA's user researcher to get in touch with HHJ Madeleine Reardon for collecting further feedback.

3. FRC Group Response to Publication Guidance

- 3.1 HHJ Reardon has run the document past HHJ Farquhar who had minor suggested amendments.
- 3.2 On general amendments Andrew Wood JP felt it should be made clear what happens for magistrates when the judgement returns after its anonymisation process. HHJ Reardon clarified that final sign off might have to be done by a legal advisor rather than magistrates.

4. Spreading the word on publication

- 4.1 TNA will differentiate between High Court judgements and judgements from Family Court judges below High Court level by inserting (B) after the citation.
- 4.2 HHJ Reardon will send out a letter to judges via the intranet about this change. This will be simpler, because for the time being the judgements helpdesk would like all judgements sent to them, and they will upload and add the (B).



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- 4.3 This letter can also be used as a reminder about judgement publication generally.

5. Data Protection

- 5.1 HHJ Reardon provided a brief update on where they were with data protection. There is a GDPR carve-out for functions exercised by judges and courts. Data breaches are therefore dealt with by a judicial data protection panel and their guidance. The guidance does not deal specifically with data breaches in published judgements, but says steps should be taken to mitigate any data breach and then the breach reported to the judicial data protection team.

Action: Return to data protection item at next meeting, when Natalie Byrom and Lucy Reed are present.

Action: Timea/Chukwuma to circulate Judicial Data Protection Handbook for information.

6. Funding Update

- 6.1 The funding situation remains uncertain, although work is ongoing to progress this by the PFD's office.
- 6.2 Natalie Byrom has found an AI system used in Switzerland to anonymise judgements (BERT) which has been passed on to the digital team in HMCTS.

7. AOB

- 7.1 The points which were raised/discussed were:
- The time elapsed since the draft publication guidance was written, and the focus of the TIG generally on reporting pilots rather than publication.
 - It remains difficult to promote publication without certainty on the anonymisation unit, particularly given the commitment from the PFD that no judge will have to publish more judgements without administrative support.
 - Encouraging judge to publish without the guidance being published and tackling reasons for low numbers of publication, particularly judges who are waiting on a prompt/encouragement.

Action: HHJ Reardon to re-draft a short letter updating on the work of the sub-group and the new process for publishing judgements for comment, to be circulated on the intranet next Thursday (14th December).



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8. Next meeting

8.1 To be organised for early or mid February.